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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,223	01/21/2004	Kia Silverbrook	RRA10US	1378
24011	7590	03/22/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA				MARTINEZ, CARLOS A
ART UNIT		PAPER NUMBER		
		2853		

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/760,223	SILVERBROOK ET AL.
	Examiner	Art Unit
	Carlos A. Martinez	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02/15/2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6 is/are allowed.
- 6) Claim(s) 1-5 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 February 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

The replacement drawing sheets and annotated sheets were received on 02/15/2006. It is noted that these drawings are acceptable.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No.11/014717 (PGPUB #: US2005/0157011A1). Although the conflicting claims are not identical, they are not

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patentably distinct from each other because claim 1 of Application No.11/014717 (PGPUB #: US2005/0157011A1) includes all the structure found in claim 1 of the present invention.

Claim 1 of Application No.11/014717 (PGPUB #: US2005/0157011A1) recites a cartridge for an inkjet printer that includes an ink storage, an ink feed system for supplying ink to the printhead, and a maintenance station for engaging the printhead to perform one or more maintenance functions. Though claim 1 of Application No.11/014717 (PGPUB #: US2005/0157011A1) does not specifically recite an assembly auxiliary to a printhead, it is known to those skilled in the art that a maintenance station to a printhead would encompass any one of the limitations set forth in claim 1 of the present invention. Further, claim 2 of Application No.11/014717 (PGPUB #: US2005/0157011A1) recites that the maintenance station may have a capper for capping the printhead and a cleaner for cleaning the printhead, thus further encompassing any one of the limitations set forth in claim 1 of the present invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No.10/760247 (PGPUB #: US2005/0157116). Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of Application No.10/760247 (PGPUB #: US2005/0157116) includes all the structure found in claim 1 of the present invention

Claim 1 of Application No.10/760247 (PGPUB #: US2005/0157116) recites a printer cartridge for an inkjet printer that includes a printing fluid storage, a printhead in fluid communication

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with the printing fluid storage, and a blotter to blot the printhead. Though claim 1 of Application No.10/760247 (PGPUB #: US2005/0157116) does not specifically recite an assembly auxiliary, it is known to those skilled in the art that a blotter would serve as an assembly auxiliary to a printhead, thus sufficiently meeting/conflicting with the limitation of claim 1 of the present invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cowger (US5572245). Cowger discloses a printer cartridge/pen with a “printer fluid storage” (refer to Fig. 1, element 18 and column 3, lines 11-13), a “printhead in fluid communication with the printing fluid storage” (refer to Fig. 16, element 18 and column 3, lines 13 and 14), and “an assembly auxiliary to the printhead” (refer to Fig. 1, element 10 and column 3, lines 53 - 63) arranged to selectively cap/cover the printhead (refer to lines 18 to 24 of column 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cowger (US5572245), as applied to claim 1 above, in view of Bork (US4371881).

- Cowger teaches a member coupled to the printer cartridge and adjacent the printhead (refer to lines 53-63 of column 3); however, Cowger, fails to teach an assembly auxiliary to the printhead that includes a rotatable member adjacent to the printhead.
- Bork teaches an assembly auxiliary to the printhead that includes a rotatable member (refer to Fig. 1, element 1; lines 26-30 of column 3; and lines 48-61 of column 3).
- Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the device of Cowger with a pivoting or rotating member, as taught by Bork, to form an assembly auxiliary to the printhead that includes a rotatable member coupled to the printer cartridge adjacent the printhead for the purpose of providing the auxiliary member mobility and interaction capabilities with respect to the printhead.

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5. Claims 4, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowger (US5572245) in view of Bork (US4371881), as applied to claim 1 above, and further in view of Silverbrook (US6318920).

- Cowger (in view of Bork) teaches a member a rotatable member; however, Cowger (in view of Bork) fails to teach a member that includes a number of faces each configured to perform a corresponding one of the differing functions.
- Silverbrook (US6318920) teaches a member that includes a number of faces each configured to perform a corresponding one of the differing functions, which in Silverbrook (US6318920) is a rotating platen member that includes a capping device, a platen surface, and a blotting device (refer to Fig. 3. element 14 and column 8, lines 19 – 21).
- Therefore, it would have been obvious to one having skill in the art at the time the invention was made to be motivated to modify the device of Cowger (in view of Bork) to incorporate a rotatable member that includes a number of faces each configured to perform a corresponding one of the differing functions, as taught in Silverbrook (US6318920), for the purpose of utilizing a single member that has many functions in a single embodiment and not having multiple members with each having a single function which would occupy more room than necessary.

Further, with respect to claim 5, Cowger (in view of Bork) teaches an engagement means fastened to a rotatable member for engagement; however, Cowger (in view of Bork) fails to specifically teach that the rotatable member is engaged by a mechanism of the inkjet printer for

selectively bringing the operational faces into cooperation with the printhead. Silverbrook (US6318920) teaches the rotatable member is engaged by a mechanism of the inkjet printer for selectively bringing the operational faces into cooperation with the printhead (refer to lines 12-43 of column 8). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify or be motivated to modify the device of Cowger (in view of Bork), as taught in Silverbrook (US6318920) with respect a rotating member to service the printhead, for the purpose of providing operability with respect to the printhead.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cowger, as applied to claim 1 above, and further in view of McClelland (US6135586).

- Cowger lacks a print cartridge with a pagewidth printhead.
- However, McClelland teaches the use of a pagewidth printhead (refer to Fig. 1 and column 1, lines 60 – 66).
- Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Cowger, in view of Bork, to utilize a printer cartridge with a pagewidth printhead, as taught by McClelland, for the purpose of reducing the traversing of the printer cartridge across an entire page when printing and for quicker printing.

Allowable Subject Matter

7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of the reasons for the indication of allowable subject matter:
Claim 6 is allowable over the art of record because the prior art does not teach a biasing means of a printer cartridge for normally biasing a face of a rotatable member against a printhead.

Response to Arguments

9. Applicant's arguments with respect to claim 1-5 have been considered but are moot in view of the new ground(s) of rejection, which were necessitated by applicant's amendments.
In response to applicant's argument that Cowger fails to teach all the elements of the amended claim 1, the examiner would like to note that Cowger – as set forth in the new ground of rejection – sufficiently meets the applicant's claim. As noted by the applicant, Cowger teaches an ink pen. It should be noted that the examiner recognizes this fact, and further notes that it is known in the art to be referred to as a cartridge, as well. With respect to Cowger not teaching any one of the limitations set forth in the amended claim 1 of the present invention, the examiner disagrees. Cowger, in fact, teaches a cap to the printhead because Cowger teaches a protective cover for protection of the printhead, which is the known function of a cap for a

printhead. Therefore, according to the way the amended claim 1 is written, Cowger encompasses the limitation set forth in the amended claim 1 of the present invention, which calls for only having to perform only one of the listed functions and doing that particular function when needed.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., close control of printing gap from nozzles to the surface of the media) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Martinez whose telephone number is (571) 272-8349. The examiner can normally be reached on 8:30 am - 5:00 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER

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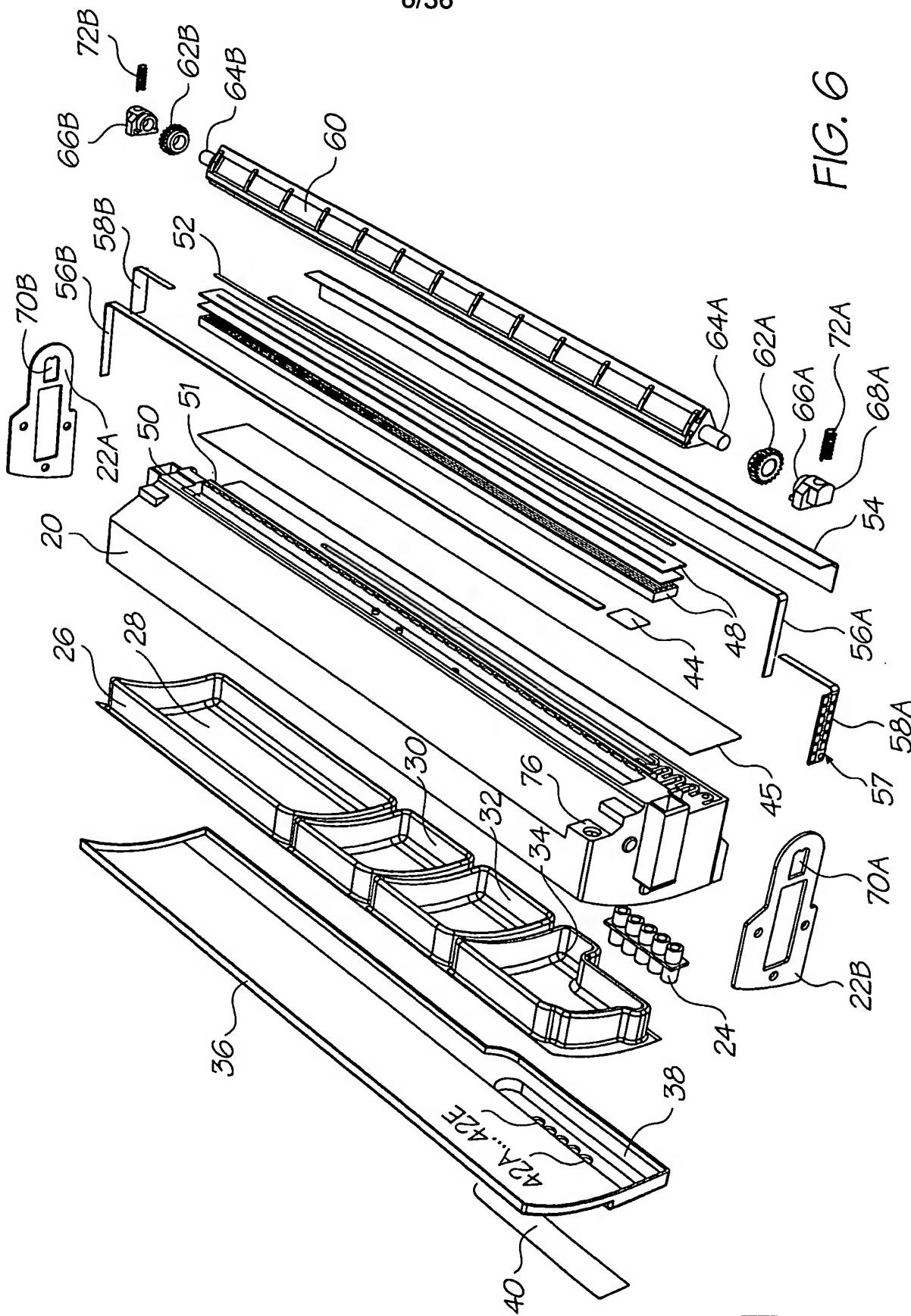


FIG. 6

All Drawings Approved
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